

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:09-CR-216-8FL

UNITED STATES OF AMERICA,)	
)	
v.)	GOVERNMENT'S RESPONSE
)	TO DEFENDANT'S MOTION TO
)	STRIKE SURPLUSAGE FROM THE
)	INDICTMENT, OR IN THE
)	ALTERNATIVE, TO COMPEL
ZIYAD YAGHI,)	DISCOVERY REGARDING
)	"VIOLENT JIHAD"
Defendant.)	(D.E. 835)
)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby responds in opposition to defendant's motion to strike the term *violent jihad* from the indictment or to compel discovery regarding that term.

Defendant YAGHI, in the same manner as defendants HASSAN, SHERIFI, and SUBASIC before him, moves the Court to compel the United States to produce discovery which would complete the definition of the term "violent jihad" as it appears in the indictment, or to strike the phrase from the indictment.

In response, the government hereby incorporates and realleges its response in opposition to such motion, as filed at D.E. 859 in response to those motions filed previously by other defendants. The term *violent jihad* is properly within the indictment and assists in placing the defendants on notice of the nature of the allegations brought against them; moreover, all required discovery

has been supplied.

For these reasons, and those reasons in D.E. 859 incorporated here, defendant's motion should be denied.

Respectfully submitted this 11th day of March, 2011.

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CERTIFICATE OF SERVICE

This is to certify that I have this 11th day of March, 2011, served a copy of the foregoing upon counsel for the defendants in this action by electronically filing the foregoing with the Clerk of Court, using the CM/ECF system which will send notification of such filing to:

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